

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ASIA JOHNSON,

Plaintiff,

v.

DOCTOR MORTONE,

Defendant.

Civil Action No. 2:21-cv-922

Hon. William S. Stickman IV

Hon. Maureen P. Kelly

ORDER OF COURT

Plaintiff Asia Johnson (“Plaintiff”), who is a prolific serial filer of civil rights lawsuits, was granted leave to proceed *in forma pauperis* on September 7, 2021. (ECF No. 4). Pursuant to 28 U.S.C. § 1915, Magistrate Judge Maureen P. Kelly issued a Report and Recommendation on September 16, 2021, recommending that the Court dismiss this case with prejudice without leave to amend. (ECF No. 6). Plaintiff was given until October 4, 2021, to file objections to the Report and Recommendation. (ECF No. 6).

No objections having been filed, the Court hereby ADOPTS Magistrate Judge Kelly’s Report and Recommendation as its Opinion. It wholeheartedly agrees with Magistrate Judge Kelly that Plaintiff has failed to present any colorable legal argument.

AND NOW, this ____ day of October 2021, IT IS HEREBY ORDERED that Plaintiff’s Complaint is DISMISSED WITH PREJUDICE. The Court holds that further amendment would be futile. *See* 3 James Wm. Moore et al., *Moore’s Federal Practice* ¶ 15.15 (3d ed. 2021) (“An amendment is futile if it merely restates the same facts as the original complaint in different terms, reasserts a claim on which the court previously ruled, fails to state a legal theory, or could

not withstand a motion to dismiss.”). The Clerk of Court is directed to mark this CASE CLOSED.

BY THE COURT:

A handwritten signature in black ink, appearing to read "W S STICKMAN IV", written over a horizontal line.

WILLIAM S. STICKMAN IV
UNITED STATES DISTRICT JUDGE